(1)

Supreme Court, U.S.
FILED

97 1640 DEC 15 1997

OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

October Term, 1997

JAMES A. HINCHLIFFE
and
YONG SUN HINCHLIFFE
Petitioners,

v.

THE PRUDENTIAL HOME MORTGAGE COMPANY, INC.
Respondents.

Petition for a Writ of Certiorari to the
SUPREME COURT OF PENNSYLVANIA

PETITION FOR A WRIT OF CERTIORARI

JAMES A. HINCHLIFFE
and
YONG SUN HINCHLIFFE
Pro Se Petitioners
105 National Avenue
Lower Chichester, Pennsylvania 19061
(610) 497-9755

23 pp

QUESTION(S) PRESENTED

1. Did the Appellate Courts below have jurisdiction in this matter?

2. Was an Order pursuant to Pa. R.A.P. 2185(a) issued in this matter?

3. Can the Appellate Courts below depart from the accepted and usual course of judicial proceedings, or sanction such a departure?

4. Can the Appellate Courts below loose jurisdiction over a matter as to call for an exercise of the United States Supreme Court's supervisory power?

LIST OF PARTIES

In accordance with United States Supreme Court Rule 14.1(b), the names of all parties appear in the caption of the case on the cover page.

TABLE OF CONTENTS

	Page
QUESTION(S) PRESENTED	i
LIST OF PARTIES	ii
TABLE OF CONTENTS	iii
INDEX TO APPENDICES	iv
OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION	6

INDEX TO APPENDICES

APPENDIX A ..... Order of State Court of Appeals dated June 27, 1996.

APPENDIX B ..... Order of State Court of Appeals dated August 23, 1996.

APPENDIX C ..... Order of State Court of Appeals dated October 10, 1996.

APPENDIX D ..... Order of State Trial Court dated February 27, 1996.

APPENDIX E ..... Order of State Supreme Court dated August 12, 1997.

APPENDIX F ..... Order of State Supreme Court dated September 16, 1997.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

PETITION FOR WRIT OF CERTIORARI

Petitioners, James A. Hinchliffe and Yong Sun Hinchliffe respectfully pray that a writ of certiorari issue to review the judgments below, of which matter has not yet been adjudicated by any appellate court below.

OPINIONS BELOW

The date on which the highest state court decided this case was August 12, 1997. The reformated decision appears at (Appendix E) to the petition. A timely petition for reconsideration was thereafter denied on September 16, 1997, and the reformated order denying reconsideration appears at (Appendix F) to the petition.

JURISDICTION

The jurisdiction of this Court to review the judgment of the Court of Appeals is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional right to use of the Appellate Court process. The Appellate Courts below have not yet reviewed, heard in any manner, nor has not adjudicated any issues or matters in this appeal thus far.

STATEMENT OF THE CASE

Petitioners, filed a timely notice of appeal at the Trial Court below and petitioners, have perfected this appeal thru the Appellate Court below, pursuant to Pa. R.A.P. thus far.

The Appellate Courts below have not yet reviewed, heard in any manner nor adjudicated any issues or matters in this appeal thus far.

Petitioners, in this matter are at a extreme disadvantage due to the fact that the Appellate Courts below have not adjudicated this matter on appeal pursuant to Pa. R.A.P..

The Appellate Courts below have not issued any opinion of any kind, nor has any of the Appellate Courts below adjudicated this matter in any way pursuant to Pa. R.A.P..

Petitioners, respectfully hesitate to make any judgment against the Appellate Courts below as to the Appellate Court's failures and/or errors in this Appellate process.

REASONS FOR GRANTING THE PETITION

The Appellate Courts below have not yet in any way adjudicated this matter on appeal.

The Appellate Courts below have erred in this Appellate process and has harmed the petitioners, in this matter.

The Appellate Courts below have caused error and conflict in the Appellate process, as to call for an exercise of the power of an immediate and speedy supervision of the Supreme Court of the United States.

By use of the United States Supreme Court's supervisory power, important questions will be answered that the Appellate Courts below failed to or were unable to answer.

If possible for the Appellate Courts below to loose jurisdiction over a matter, perhaps and in fact the Supreme Court of the United States has or gains a full jurisdiction over such matter.

The Appellate Court's below, loss of control in this matter has become an adversity to the petitioners and if a precedent is made, this matter becomes of a national importance.

CONCLUSION

For all of the foregoing reasons, the Petitioners respectfully request that a Writ of Certiorari issue to review all of the decision below. The petition for a writ of certiorari should be granted.

Respectfully submitted,

JAMES A. HINCHLIFFE and
YONG SUN HINCHLIFFE
Pro Se Petitioners
105 National Avenue
Lower Chichester, Pennsylvania 19061
(610) 497-9755

APPENDIX A

The Prudential Home Mortgage
Insurance Company, Inc

V.

James A. Hinchliffe and
Yong Sun Hinchliffe
APPELLANTS

IN THE SUPERIOR COURT OF
PENNSYLVANIA

(C.P. Delaware County
No. 90-011707
No. 92-021184)
Nos. 1489, 1490
Philadelphia, 1996
Filed: June 27 , 1996

O R D E R

These appeals have been taken from February 27, 1996 orders entered by the trial court in these matters.

Pa.R.A.P. 341(b) (1) states in pertinent part that "[a] final order is any order that disposes of all claims or of all parties." See also Robert H. McKinney, Jr., Assocs. v. Albright, 429 Pa. Super. 440, 632 A. 2d 937 (1993);

Bell v. State Farm, 430 Pa. Super. 435, 634 A.2d 1137(1993); Luiziaga v. Psolka, 432 Pa. Super. 26, 637 A.2d 645 (1993); Continental Bank v. Andrew Bldg. Co., 436 Pa. Super. 559, 648 A.2d 551 (1994); Bonner v. Fayne, 441 Pa. Super. 432, 657 A.2d 1001 (1995); Kirby Electric, Inc. v. Jet Contracting Corp., 447 Pa. Super. 1, 665 A.2d 1293 (199[illegible].

Therefore, the appellants are directed to show cause as to the basis of this court's jurisdiction over these matters. This statement is due within ten days of the date of this order. Failure to respond to this court's directives may result in the dismissal of these matters without further notice.

/S/
Per Curiam

APPENDIX B

The Prudential Home Mortgage
Insurance Company, Inc

V.

James A. Hinchliffe and
Yong Sun Hinchliffe

Appellants

IN THE SUPERIOR COURT OF
PENNSYLVANIA

(C.P. Delaware County
No. 90-011707
No. 92-021184)
Nos. 1489, 1490
Philadelphia, 1996
Filed: August 23, 1996

O R D E R

These appeals have been taken from February 27, 1996 orders entered by the trial court in these matters.

Pa.R.A.P. 341(b)(1) states in pertinent part that "[a] final order is any order that disposes of all claims or of all parties." See also Robert H. McKinney, Jr., Assocs. v. Albright, 429 Pa.

Super. 440, 632 A.2d 937 (1993); Bell v. State Farm, 430 Pa. Super. 435, 634 A.2d 1137 (1993); Luiziaga v. Psolka, 432 Pa. Super. 26, 637 A.2d 645 (1993); Continental Bank v. Andrew Bldg. Co., 436 Pa. Super. 559, 648 A.2d 551 (1994); Bonner v. Fayne, 441 Pa. Super. 432, 657 A.2d 1001 (1995); Kirby Electric, Inc. v. Jet Contracting Corp., 447 Pa. Super. 1, 665 A.2d 1293 (1995).

Accordingly, the court hereby QUASHES the appeals at Nos. 1489 and 1490 Philadelphia, 1996.

/S/
Per Curiam

APPENDIX C

The Prudential Home Mortgage
Insurance Company, Inc

V.

James A. Hinchliffe and
Yong Sun Hinchliffe

IN THE SUPERIOR COURT OF
PENNSYLVANIA

(C.P. Delaware County
No. 90-011707
No. 92-021184)
Nos. 1489, 1490
Philadelphia, 1996
Filed: October 10, 1996

O R D E R

The appellants' motion for reconsideration and/or clarification of this court's order of August 23, 1996 is DENIED.

Per Curiam

APPENDIX D

THE PRUDENTIAL HOME
MORTGAGE COMPANY, INC.
Plaintiff,

v.

JAMES A. HINCHLIFFE
Defendant.

COURT OF COMMON PLEAS
DELAWARE COUNTY

NO. 90-11707

O R D E R

AND NOW, this 27th day of February 1996, it is hereby ORDERED and DECREED that the Order entered by this Honorable Court on November 17, 1995, staying the Sheriff's Sale of Mortgaged Real Property situated at 107 National Avenue, Chichester, Delaware County, on ex parte Emergency Petition of Defendant James A. Hinchliffe, is hereby VACATED.

It is hereby further ORDERED AND DECREED that the Sheriff's Sale of Mortgaged Real Property situated at 107 National Avenue, Chichester Township, Delaware County, conducted on November 17, 1995, is CONFIRMED and AFFIRMED; and

It is further ORDERED AND DECREED that the Delaware County Sheriff's Department, execute and have acknowledged a Sheriff's Deed Poll of the foreclosed premises as soon as may be deemed practicable, to the Plaintiff Mortgagee or its Assignee.

/S/
Joseph F. Battle J.

APPENDIX D

THE PRUDENTIAL HOME
MORTGAGE COMPANY, INC.

v.

JAMES A. HINCHLIFFE
Defendant

COURT OF COMMON PLEAS
DELAWARE COUNTY

NO. 92-021184

O R D E R

AND NOW, this 27th day of February 1996, it is hereby ORDERED and DECREED that the Order entered by this Honorable Court on November 17, 1995, staying the Sheriff's Sale of Mortgaged Real Property situated at 1098 Ridge Road, Lower Chichester Township, Delaware County, on ex parte Emergency Petition of Defendant James A. Hinchliffe, is hereby VACATED.

It is hereby further ORDERED AND DECREED that the Sheriff's Sale of Mortgaged Real Property situated at 1098 Ridge Road, Lower Chichester Township, Delaware County, conducted on November 17, 1995, is CONFIRMED and AFFIRMED; and

It is further ORDERED AND DECREED that the Delaware County Sheriff's Department, execute and have acknowledged a Sheriff's Deed Poll of the foreclosed premises as soon as may be deemed practicable, to the Plaintiff Mortgagee or its Assignee.

/S/
Joseph F. Battle J.

APPENDIX E

IN THE SUPREME COURT OF PENNSYLVANIA

THE PRUDENTIAL HOME MORTGAGE INSURANCE COMPANY, INC.,

Respondent

v.

JAMES A. HINCHLIFFE and YONG SUN HINCHLIFFE,

Petitioners

Nos. 0888 and 0889 E.D. Allocatur Docket 1996.

Petition for Allowance of Appeal from the Superior Court

ORDER

PER CURIAM

AND NOW, this 12th day of August, 1997, we DENY the Petition for Allowance of Appeal.

APPENDIX F

IN THE SUPREME COURT OF PENNSYLVANIA

THE PRUDENTIAL HOME MORTGAGE INSURANCE COMPANY, INC.,

Respondent

v.

JAMES A. HINCHLIFFE and YONG SUN HINCHLIFFE,

Petitioners

Nos. 0888 and 0889 E.D. Allocatur Docket 1996.

Petition for Reconsideration.

O R D E R

PER CURIAM:

AND NOW, this 16th day of September, 1997, we DENY the Petition for Reconsideration.